UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,677	05/31/2000	Marcos N. Novaes	POU9-2000-0004-US1	2880

7590	01/28/2004	

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EXAMINER
WON, YOUNG N

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/583,677	NOVAES ET AL.
Office Action Summary	Examiner	Art Unit	
	Young N Won	2155	

-- The MAILING DATE of this communication appears on th cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 6-74* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 6-74* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5)☐ Notice of Informal Patent Application (PTO-152)	
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4 & 7* .		6)☐ Other: .	

DETAILED ACTION

1.   Claims 1-3 and 6-74 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined was not

(1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA

(pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-3 and 6-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Wipfel et al.

(US 6338112 B1).

INDEPENDENT:

As per claims 1, 27, and 51, Wipfel teaches a system of managing clusters of a computing

environment (see title), said system comprising: a registry component (see Fig.5 and col.9, lines 42-

45) to provide global data storage for data of a cluster of said computing environment (see Fig.1, #114; Fig.2, #114; col.6, lines 38-44; and col.14, lines 66-67), said cluster including one or more nodes of said computing environment (see Fig.1 and col.5, lines 29-31); configuration component (see Fig.2, #216) to maintain data locally on at least one node of said one or more nodes (see Fig.2, #218 and col.8, lines 11-14), and to store global data in said registry component (see col.6, lines 38-44 and col.8, lines 62-64); liveness component to provide status of one or more communications paths of said cluster (see Fig.3; col.9, lines 12-22; and col.11, lines 25-34), said liveness component being dependent upon said registry component and said configuration component (see col.9, line 32 to col.11, line 34); a group services component to provide one or more services to one or more other components of said cluster (see col.9, lines 7-9), said group services component being dependent on said registry component (see col.9, lines 45-48: probing is dependent on value stored in register), said configuration component and said liveness component (see col.9, line 32 to col.11, line 34); and a resource management component to provide communications to one or more resource controllers of said cluster (see col.8, line 36 to col.9, line 11), said resource management component being dependent on said registry component, said configuration component and said group services component (see col.9, line 32 to col.11, line 34).

DEPENDENT:

As per claims 2, 3, 6, 28-30, and 52-54, Wipfel further teaches wherein said registry component is functionally dependent on said group services component for at least one type of operation (see col.9, lines 45-48: probing), wherein said at least one type of operation comprises a write operation (see col.9, lines 48-52: "updated").

As per claims 7, 31, and 55, Wipfel further teaches wherein said being dependent comprises being functionally dependent (It is inherent that since Wipfel discusses an operational relationship (see col.9, lines 18-19), all dependencies are functionally dependent).

As per claims 8, 32, and 56, Wipfel further teaches wherein said registry component lacks a data dependency on said configuration component, said liveness component, said group services component and said resource management component (see col.9, lines 17-22).

As per claims 9, 33, and 57, Wipfel further teaches wherein said configuration component has a data dependency on said registry component (see col.6, line 67 to col.7, line 6).

As per claims 10, 13, 34, 37, 58, and 61, Wipfel further teaches wherein said liveness component has a data dependency on said registry component and configuration component (see col.9, line 32 to col.11, line 34).

As per claims 11, 14, 35, 38, 59, and 62, Wipfel further teaches wherein said group services component has a data dependency on said registry component and configuration component (see col.9, line 32 to col.11, line 34).

As per claims 12, 15, 36, 39, 60, and 63, Wipfel further teaches wherein said resource management component has a data dependency on said registry component and configuration component (see col.9, line 32 to col.11, line 34).

As per claims 16, 40, and 64, Wipfel further teaches wherein said cluster includes a plurality of nodes, and wherein said registry component is included on less than all nodes of said plurality of nodes (see col.9, lines 42-45: "and/or a structure").

As per claims 17, 41, and 65, Wipfel further teaches wherein said configuration component is started by at least one operating system of at least one node of said one or more nodes of said computing environment (see col.6, lines 52-59).

As per claims 18, 42, and 66, Wipfel further teaches wherein said configuration component is responsible for starting one or more components of said registry component, said liveness component, said group services component and said resource management component (see col.9, lines 57-67).

As per claims 19, 43, and 67, Wipfel further teaches wherein the starting of one or more components satisfies at least one of one or more functional dependencies between the one or more components and one or more data dependencies between the one or more components (see col.9, lines 38...).

As per claims 20, 44, and 68, Wipfel further teaches wherein said one or more components are started by the configuration component in a defined order (see col.6, line 67 to col.7, line 6).

As per claims 21, 45, and 69, Wipfel further teaches wherein said defined order comprises starting the registry component, and then the liveness component, the group services component and the resource management component (see col.8, lines 40-52).

As per claims 22, 46, and 70, Wipfel further teaches wherein said registry component begins a first phase of its initialization, in response to being started, said first phase of initialization comprising determining at least one copy of a global configuration database to be used in the starting (see col.7, lines (see Fig.7; col.9, lines 61-67; and col.15, line 61 to col.16, line 5).

As per claims 23, 47, and 71, Wipfel further teaches wherein said configuration component utilizes a copy of said at least one copy of the global configuration database to verify data, and then continue with starting the liveness component, the group services component and the resource management component (see col.8, lines 17-20).

As per claims 24, 48, and 72, Wipfel further teaches wherein said group services component completes its initialization, in response to the liveness component becoming available (see col.8, lines 57-64).

As per claims 25, 49, and 73, Wipfel further teaches wherein said registry component begins a second phase of its initialization, in response to the group services component completing initialization, said second phase of initialization comprising updating zero or more copies of the global configuration database to allow write operations against the global configuration database (see col.9, lines 48-52 and col.28, line 58).
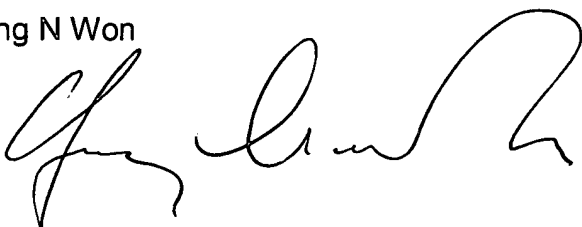
As per claims 26, 50, and 74, Wipfel further teaches wherein said resource management component performs its initialization using said system registry component and said group services component (see col.9, line 32 to col.11, line 34).

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won

January 21, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER